



US Army Corps
of Engineers
Seattle District



Joint Public Notice

Proposal for a Multi-Site Wetland Mitigation Bank

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (360) 906-7274
ATTN: Brad Murphy, Project Manager

Washington Department of Ecology
Shorelands and Environmental
Assistance Program
PO Box 47600
Olympia, WA 98504
Telephone (360)407-6861

Public Notice Date: September 12, 2005
Expiration Date: October 12, 2005
Reference No.: 200500789
Name: Clark County Public Works

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps), U.S. Environmental Protection Agency, Washington Department of Ecology (Ecology), and Washington State Department of Natural Resources are considering a proposal to construct and operate the Clark County Public Works Mitigation Bank, in Clark County, Washington.

APPLICANT – Clark County Department of Public Works
1300 Franklin Street
PO Box 9810
Vancouver, WA 98666-9810
Telephone: (360) 397-6118

AGENT – SAME AS APPLICANT

LOCATION – The proposed Clark County Public Works Mitigation Bank (Clark County PWMB) would consist of sites located throughout Clark County, Washington. Initially, five sites have been proposed that are located in the Salmon Creek and Whipple Creek watersheds. (See the “Overview of Wetland Bank Sites” vicinity map for proposed site locations.) Additional sites may be added in the future as needed, see project description below for further information.

PROJECT DESCRIPTION – Clark County Public Works proposes to develop a multi-site wetland mitigation bank on county-owned properties that have potential for increased ecological functioning. Wetland mitigation banks provide an alternative to traditional, concurrent, compensatory wetland mitigation. Mitigation banks offer an opportunity to implement compensatory mitigation at a regional scale in advance of impacts. Mitigation banks establish “credits” through restoring, creating, enhancing and, in exceptional circumstances, preserving wetlands and other natural resources. These credits can then be sold to future permit applicants who need to offset the adverse environmental impacts of projects with wetland impacts that would occur within the banks’ designated “service area”. The documents that address the bank process are the Mitigation Banking Instrument (MBI) and Memorandum of Agreement (MOA). The MBI contains the technical and procedural elements of constructing, operating, and maintaining the bank, while the MOA serves as the legal contract between the bank sponsor and the federal, state, and local agencies. The two documents help ensure proper implementation of all mitigation bank elements in a legally binding framework. The Clark County PWMB is being proposed as a multi-site bank that currently involves five sites totaling approximately 122 acres. Additional sites may be added in the future that

would be covered under the approved MBI and MOA. Not every proposed site may be approved to become part of this bank. The primary goal of the proposed bank is to compensate for unavoidable impacts to wetlands and other ecological elements incurred by the construction of public works projects. The proposed sites, as well as future sites, are expected to involve a range of wetland and other ecosystem contexts and ecological functions. All sites approved for inclusion in the proposed mitigation bank would be protected by conservation agreements. In addition, the MBI and MOA would be established with federal, state, and local agency concurrence.

A more detailed description of this proposal is available in *Prospectus II – Clark County Public Works Wetland Mitigation Bank*, dated January, 2005. This prospectus is available for inspection at the above-listed Corps office and the Department of Ecology Headquarters and Southwest regional offices and can be downloaded at the following Internet address:

<http://www.ecy.wa.gov/programs/sea/wetmitig/public-notice.html>

SERVICE AREA – The service area of a mitigation bank is the geographic area over which credits may be used for compensatory mitigation. For this bank, Clark County Public Works proposes a service area that encompasses all of Clark County within WRIA 28, which does not include that part of Clark County within the Lewis River watershed. This area is proposed because the anticipated mitigation measures for a multi-site bank would be distributed over a large portion of the WRIA. Please see the attached “Proposed Service Area” map for the proposed service area.

PURPOSE – The bank would provide off-site compensatory mitigation for adverse impacts to wetlands and other jurisdictional environmental components resulting from projects initiated by local government agencies in Clark County. The use of bank credits as future compensatory mitigation would depend on case-by-case approval by the involved regulatory agencies after determining that the use of bank credits would be consistent with all applicable rules and policies of the agencies.

ADDITIONAL INFORMATION – The bank sponsor will work with a multi-agency Mitigation Bank Review Team (MBRT) to develop the MBI and MOA in accordance with *Federal Guidance for the Establishment, Use and Operation of Mitigation Banks* and the *State Draft Rule WAC 173-700 Wetland Mitigation Banks*, as well as other applicable state, local, and federal requirements. For additional information on wetland mitigation banking within Washington State, please refer to the following website:

<http://www.ecy.wa.gov/programs/sea/wetmitig/index.html>

If you are interested in receiving updates from the Washington State Department of Ecology concerning wetland mitigation banking in the state, please join our e-mail list at:

<http://listserv.wa.gov/archives/wetland-mitigation-banking.html>

EVALUATION – The Corps and Ecology are soliciting comments from interested parties, including the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to identify project aspects that need to be addressed during the bank review process and in the development of the MBI and MOA. Public comments will assist in developing facts upon which to base a decision by MBRT member agencies as to whether or not to authorize the proposed mitigation bank. For accuracy and completeness of the record, all comments should be submitted in writing with sufficient detail to furnish a clear understanding of the reasons for that support or opposition.

COMMENT AND REVIEW PERIOD – Conventional mail or e-mail comments on this proposal will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to Bradley.J.Murphy@usace.army.mil at the Corps and/or chme461@ecy.wa.gov at Ecology. Conventional mail comments should be sent to the Corps ATTN: Brad Murphy, Project Manager, Regulatory Branch and/or to Ecology ATTN: Christina Merten, Shorelands and Environmental Assistance Program. Both conventional mail or e-mail comments must include the permit applicant's name and

reference number, as shown below, and the commentor's name, address, and phone number. All comments, whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Clark County Public Works Wetland Mitigation Bank
200500789

Encl (1)

Overview of Wetland Bank Sites

FIGURE 1

